

# THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF OCTOBER 5, 1989

## MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a Special Meeting of the Commission on Thursday, October 5, 1989 at 8:00 p.m. at the West Tisbury School Cafeteria, Old County Road, West Tisbury, MA.

Mr. Early, Chairman, opened the Special Meeting at 8:15 p.m. and proceeded with agenda items.

ITEM #1 - Chairman's Report - There was none.

ITEM #2 - Old Business - Report from Oak Bluffs' Town Boards and MVC Staff regarding the Oak Bluffs Harbor.

Mr. George Martin, Oak Bluffs Selectmen, reported that for over 60 days representative from the Planning Board, Board of Health, Conservation Commission, Harbor Advisory Committee and the Board of Selectmen have been meeting on the issue of the Oak Bluffs Harbor. We have come up with proposed regulations. The Harbor Advisory Committee's regulations have already been put into force. The Board of Health is represented here and they will speak on their regulations. The Highway Department has also been involved in our meetings and they will also be involved in the Conservation Commission testing of run-off into Sunset Lake. The business community in Oak Bluffs raised \$3,500 plus room and board for 2 consultants to come over and look at the Harbor, particularly from a Harbor management standpoint but they did get into the areas of conservation. The primary recommendation is for restroom facilities for boaters so the vast majority of pollution from the boaters will stop. We met with the Resident Homesite Committee and looked at 3 undersized, or small, lots that have some value, perhaps to neighbors, and discussed, subject to a Town meeting, auctioning one and using the funds to build a restroom facility. We should set up a Harbor Management Committee to see that the Harbor is managed properly from a marina standpoint, but also to do a long range master plan for the Harbor. So basically, we have come a long way, done a lot of work, the testing program will take some time but we have begun it, and testing will continue throughout the year to try and pinpoint where the pollution is coming from. The Board of Health will talk about the rules and regulations and the Conservation Commission will discuss testing, and then we will answer any questions you might have.

Mr. Tom Bales, MVC Staff, reviewed the key points of the regulations as follows: Septic System Monitoring program and the requirement for upgrade to Title V; Sale and Transfer Septic Requirement; Occupancy and Use Regulations; and Water Quality Monitoring Program.

Mr. Michael Joyce, Oak Bluffs Board of Health, stated that they looked at the Oak Bluffs Lagoon Pond DCPC regulations to see which ones applied here. The Board of Health is meeting Monday to begin the process of the hearing to make these regulations legal. I think the upgrading of the septic systems and the monitoring of the drains around the Harbor are crucial. All septic systems will be inspected within one year, and several people around the Harbor have come in and upgraded their systems already but this would be the check and documentation of what is there now. The Board of Health plans that when we have the hearing to adopt these regulations we will expand to other water bodies in Oak Bluffs with the same type of regulations.

Ms. Joanne Taylor, Oak Bluffs Conservation Commission, referred Commissioners to a map and stated that as you can see we are looking at an area somewhat larger than the one originally nominated. What we are trying to identify with the testing program are point sources of pollution along the drainage system from road runoff and storm drains into open leaching areas. At least 1 culvert, on Sunset Lake which leaches through land and then into the Harbor, is slightly different from the 3 openings directly into the harbor. Until the monitoring is completed and we have the test results we have no plans to change anything.

Following the reports, Mr. Early called for questions from the Commissioners.

Mr. Sullivan, Commissioner, asked if pesticides are necessary at all, for health reasons, in the Harbor area? Mr. Bales responded that they felt it was better to restrict their use rather than eliminate it but it is something we could look into.

Mr. Filley, Commissioner, stated that the regulations look fantastic, very comprehensive. He then asked if it addresses fuel and/or its storage? Mr. Bales responded that the main concern would be dumping into the Harbor and there is a regulation prohibiting anything from being dumped into the Harbor. Mr. Martin stated a source that we do know of for oils and other things that we could see as detrimental is the washing of cars, now being done on a rental fleet on Circuit Ave. Extension, where the water and the soap has nowhere to go and ends up in the Harbor. We are going to specifically address this.

Mr. McCavitt, Commissioner, asked how the Sale and Transfer septic requirements would work? How will the Board of Health know when a sale or transfer has taken place? Mr. Bales responded that the Board of Health would check with the Assessor's Office once a month and cross check the reported sales and transfers against certificates for septic systems in their files. If there is a discrepancy, they will write letters to the parties concerned and if necessary levy fines. That is the way it is being done in Tisbury.

Mr. Jason, Commissioner, questioned the definition of "Commercial Fishing Vessel" in this document and stated that a lobster boat out of Maine might be a "Federally documented fishing vessel" registered with the appropriate agencies of the Commonwealth of Massachusetts as a

commercial fishing vessel" and this might let them come into the Harbor? Mr. Martin stated that they were looking at specific types of vessels when this was written and of the types they were concerned with, all of them would be documented in this way. However Mr. Jason's point is well taken.

Mr. Jason continued that he applauds the work of the citizens and Boards of the Town of Oak Bluffs. A round of applause followed. Mr. Jason withdrew his motion from August to possibly consider this area for a DCPC and stated that he believes the intent of the proposed DCPC has been addressed by the Town and these regulations. He does not feel that any further action by this body is needed. The second was withdrawn also.

Ms. Linda Marinelli stated that as the representative of the nominators of this District I want to thank everybody for the hard work and I am happy too see that this has finally came down the pike.

Mr. Early asked, so if have a consensus that the concerns and problems have been addressed do we have a consensus to encourage the Town Boards of Oak Bluffs to pursue the adoption of these regulations by the Town? This was agreed unanimously. Mr. Early thanked the Town Boards.

#### ITEM #3 - Minutes of September 18, 1989

After lengthy review, it was motioned and seconded to approve the draft minutes as presented. Two grammatical corrections were noted. This motion passed with no opposition, 1 abstention, Lee. (Harney abstained.)

#### ITEM #4 - Committee and Legislative Liaison Reports

Mr. Morgan, Legislative Liaison, reported that Tuesday in Boston the hearing on Local Affairs pertaining to the Cape Cod Commission was held. It appeared it would be a long drawn out process but the discussion lasted only about 3-4 minutes and was voted on. Apparently it will be on the House floor and debated soon. Representative Turkington's office and I have been working on a problem that M.V. fishermen have with, what they call, out-of-State, large draggers sweeping up some 1,000 of either their conch or fish pots. We are attempting to see if legislation could be filed to see that this does not happen or perhaps if the towns in the area could enforce rules over a distance from their shores to attempt to separate and remove gear conflict. Concerning Moped hearings this year on the moped bills that we filed. We came out disappointed but with a statement that Chapter 90 or Chapter 85 or a combination of both, could do what we wanted it to do, which was a statement made by the Chairman of the Public Safety Committee, Michael Morrissey. So E.B. Collins was hoping to get an interpretation from the Attorney General because apparently our town counsel doesn't agree with the statement made by the Chairman. The Attorney General isn't about to give an interpretation to an individual and sometimes not even to a town but we have asked the Public Safety Committee, because they heard the bill and had some input, to ask for the interpretation. We have not got that yet. I

will report the answer to that and see if Chapter 85 can give the towns the control they would like. Short of that, we have met with Dave Neale, who is House Counsel and an old veteran in the State House, to come up with something that maybe something that we could run by the registry and towns. Every time he tried to put something together he would read over the Oak Bluffs By-Law and Tuesday when we met with him he said that may be the best thing he has ever seen or could even attempt to put together himself and he doesn't know why all the Towns on Martha's Vineyard have not all adopted the Oak Bluffs By-law. This By-law has been approved by the Attorney General. If you have any legislation you would like filed let me know, we only have a few weeks for the deadline this years.

Mr. Young, Chairman of the Land Use Planning Committee (LUPC), reported that they had met on Monday. We put together recommendations for both the M.V. Shipyard and the A&P Expansion. We also ironed out all the final details with the Cronigs State Road Supermarket Expansion. The state of that DRI right now is that we are finalizing the traffic study scope, after which they will have their traffic analysis done and that will then go to McDonough & Scully for review. We also looked at a proposal to subdivide land in West Tisbury into two lots. The land belongs to Martha Thurlow and Bartley M. Humphreys. He read portions of a letter from Douglas Hoehn, representing the above landowners, dated September 11, 1989. In summary the letter requests that "since we are preparing a plan that defines existing interests in the parcel we are asking that this plan not be considered a DRI". Mr. Saxe, MVC staff, put up the site plan for the parcel. Mr. Young continued by stating that it qualifies as a DRI strictly because of the size of the parcel of land. LUPC subcommittee recommends that we grant the waiver of review of this as a DRI for two reasons: (1) because of the reasons in the letter, it is strictly defining the existing interest in the parcel of land; and (2) because anything further that takes place on this parcel or either of the two parcels being created in the way of subdivision will have to come back to the Commission under the regulation that requires that any parcel of land that has been subdivided within the last 7 years that is being further subdivided be considered a DRI. As the letter points out the meeting house project would also be a DRI. What we would want is a vote from the Commission on that waiver.

It was motioned and seconded that this proposal not be considered a DRI. This motion passed with no opposition, no abstentions.

Mr. Young continued that LUPC has no meeting on Monday, October 9th. On October 16th we have a joint meeting with the Edgartown Planning Board to discuss two proposals, Keyland Trust (Tedesco) and the Thomas C. Wallace proposal, both for commercial construction in the B-II District of Edgartown.

Mr. Adams, MVC Staff, reported that we finished our series of workshops today with the workshop on health care and human services. Some of these workshops are having spin off meetings. There will be results from minutes and a summary of the whole series of workshops in November and CPAC will be working out recommendations to bring to the Commission at that time. We also plan to hold workshops with town

boards and selectmen at the end of October.

Ms. Waterman, MVC Staff, reported that the Edgartown Great Pond was scheduled to meet Wednesday but there is a potential conflict. It will be rescheduled for Tuesday and if anyone has a problem with that date please let me know before the end of the night.

Ms. Waterman then gave a review of Chapter 91, a summary of which was handed out last week. She referred to copies of a letter she hopes to send to Commissioner Greenbaum expressing comments and support of the regulations. She stated that she would like to get approval from the full Commission to send this correspondence.

When there were no questions for Ms. Waterman, Mr. Early asked Commissioners to review this letter during the recess.

Mr. Early then skipped to Item #6.

ITEM #6 - Possible Vote - Written Decision, James Rogers DRI, Town of Tisbury.

It was motioned and seconded to approve the draft written decision as presented. There was no discussion. This motion passed with a vote of 14 in favor, 0 opposed, 2 abstentions, Greene, McCavitt. (Harney was in favor.)

Following this vote Mr. Early yielded the Chair to Mr. Filley, Vice-Chairman, since Mr. Early is an abutter to the next item on the agenda.

ITEM #6 - Possible Vote - Written Decision, Whiting, Solon, Whiting DRI, Town of West Tisbury

It was motioned and seconded to approve the draft written decision as presented. There was no discussion. This motion passed with a vote of 13 in favor, 0 opposed, 3 abstentions, Early, Greene, McCavitt. (Harney was in favor.)

ITEM #5 - Discussion - M.V. Shipyard DRI, Town of Tisbury

Mr. Early stated that as usual this discussion is among the Commissioners only except if a Commissioner requests information from a member of the audience through the chair.

Mr. Young reported that LUPC unanimously recommends approval possibly with two conditions. Two issues should be addressed either in the form of conditions or as recommendations. (1) Non-employees who are using the facilities to work on their boats should be required, not encouraged, to follow the same practices employees use with regard to containing bottom paints, solvents and so on and so forth. (2) The second issue was identified by the staff at the public hearing and the applicant has stated that he would be willing to plant some sort of vegetative buffer between the back of the large shed, including this shed, and Lagoon Pond so that any run-off from this building and the main shed goes through some sort of vegetative buffer prior to going into Lagoon Pond.

Mr. McCavitt asked if there was any discussion about what type of vegetative materials? Mr. Young stated this would be decided by consultation with staff and the Conservation Commission.

Mr. Filley stated that he wants to comments that although he hasn't seen the operations, just from reading the staff notes I think the applicant should be commended for his efforts of handling hazardous material and I hope that he is an example for other organizations doing the same around the Island.

When there was no further discussion, Mr. Early moved on to possible vote.

ITEM #6 - Possible Vote - M.V. Shipyard DRI, Town of Tisbury

It was motioned and seconded to approve the M.V. Shipyard DRI with the conditions recommended by LUPC as noted above. There was no discussion. This motion passed with a vote of 15 in favor, 0 opposed, 1 abstention, Lee. (Harney was in favor.)

Following a short recess, Mr. Early reconvened the Special Meeting and proceeded with the agenda items.

ITEM #5 - Discussion - A&P Expansion DRI, Town of Edgartown

Mr. Early called on Ms. Skiver, MVC Staff, to give an update on this proposal.

Ms. Skiver referred Commissioners to a document entitled "Correspondence received after continued public hearing 9/28/89" and copies of correspondence as follows: Mr. McCarron, A&P representative dated September 29, 1989; Mr. Dodson, Dodson Associates dated October 4, 1989; Mr. Ewing, M.V. Transit Authority dated October 5, 1989; and Rev. Peter Sanborn, dated October 5, 1989. She summarized this correspondence. (All staff documents and correspondence is available in its entirety in the DRI and Meeting files.) Ms. Skiver read the final piece of correspondence, copies were not included in packets and several were distributed for Commissioners review, to the MVC from the Great Atlantic Pacific Tea Company, Northeastern Region, Burton J. Weinbaum dated October 5, 1989 as follows: Responding to the issues of affordable housing and transportation, which were discussed at the public hearing with the Land Use Planning Committee, we would like to offer \$25,000 to address these problems. The money to be allocated as the commission determines. Also, we agree that the granting of the right of way will be as discussed in perpetuity. Whatever was agreed to previously by the Great A&P Tea Company will not be altered. Following Ms. Skiver's presentation she answered questions from the Commissioners.

Mr. Schweikert, Commissioner, asked in reference to the last letter your read is that \$25,000 for the Regional Housing Authority or is it also for paying for the additional study? Mr. Early responded that he believes the additional study, \$10,000, is one of the previously

agreed to items that would not be altered, so this would be an addition. In other words it is \$20,000 more than we had last week, as I understand it. Mr. Schweikert asked, instead of the \$5,000. The response was yes. Mr. Early stated it is responding to the issues of transportation as well as affordable housing, to be allocated as the Commission determines.

Mr. Sullivan, Commissioner, asked so now we have a total contribution of \$35,000? Mr. Early responded yes \$25,000 for affordable housing and transportation and \$10,000 for the traffic study.

Mr. Early asked Mr. Young to give a LUPC report and recommendation.

Mr. Young referred Commissioners to a two page report in their packets entitled "Land Use Planning Committee Report to MVC, October 5, 1989" which is based on the meeting held monday. What we did is follow Section 15 of the legislation as we did at the last meeting to see how the proposal complies or does not comply with those issues. He stated that in a number of cases we did not come to consensus on conditions or how the conditions should be worded and there was some debate on certain issues. So what I am going to do is go through this, identify the issues that were debated and then prior to vote we can finalize the actual condition wording. Mr. Young stated that Section 15f particularly refers to the traffic and there are a number of mitigative measures that have been discussed or offered. The one thing that we did identify, which has to do with a conversation Ms. Borer had today, has to do with the placing of parking and screening on the applicant's property rather than on the State Road layout. He asked Ms. Borer to summarize her conversation with DPW.

Ms. Borer, Executive Director, stated that she had a conversation with Anthony Luminello, State Department of Public Works, Division of Easements, he is coming down tomorrow morning to do a site visit of this particular site. He indicated to me that he has received a lease request from the applicants, he didn't give me any particular time frames as to when they could act on this lease. I then indicated to him what the LUPC was considering as a recommended condition in that the parking, landscaping, screening and sidewalks stay within the applicant's property until such time as the lease is resolved with DPW and he felt extremely comfortable with the Committee's recommendation.

Mr. Young continued with his review of the LUPC report. He then asked if there were any LUPC members who want to add to this. I will be giving a decenting opinion after we finalize this. The meeting went on a long time and by the time we got to 15g and it looked like it was drawing to a close everybody sort of left before we got a chance to take a vote. I think that consensus was for approval with conditions.

Mr. Early asked if any other LUPC members want to make a statement now. Mr. Morgan, LUPC member, stated that Mr. Young was very thorough.

Mr. Early stated that we have a consensus for recommendation for approval with conditions, we are now open for general discussion among the Commissioners.

Mr. Young stated that when we came to 15g during discussion at LUPC I spoke rather strongly with regards to the non-compliance aspect of this proposal with regard to the B-2 Master Plan and I am going to do so again tonight. I don't think that there is too much question about the fact that it does very seriously deviate from probably the most basic design standard laid out in the Master Plan. I think that the project of the B-2 Master Plan was embarked on by Planning Board and the Town of Edgartown in anticipation of what the Commission now finds before it, which is a number of commercial applications for expansions and new proposals in the B-2 District in Edgartown. I have been reviewing the B-2 Master Plan and the Zoning By-laws and I could bore you all for half an hour with quotes from both which this project violates. He did in fact mention a few, quoting directly from the Master Plan, Harry Dodson's correspondence and adding personal commentaries. Mr. Young stated that he wants to remind Commissioners that we are going to be looking at a number of commercial expansion in this area in the very near future. Perhaps even stronger, in my mind, is the fact that the timing of the approval of the Master Plan and this proposal coming before the Town and the Commission presents an extraordinary planning opportunity for the Town of Edgartown to establish the standards and the patterns of design criteria that they want to establish in the B-II District. This is the largest commercial enterprise that is going to happen in that area. They couldn't kick off the implementation of the Master Plan with a better project than this one and they are blowing the opportunity to do so. I believe that by passing this we are indeed jeopardizing the ability to achieve the goals of the Master Plan and that we are also blowing an extraordinary opportunity. What we have here though is the bizarre situation of the Town Boards apparently in total agreement that they will support the developer in violating the Master Plan that the Town has adopted and that the Planning Board has worked on for the last year. Apparently a deal was struck some time ago with the A&P that they would not press the A&P to comply with the Master Plan for reasons that have not been made clear at the public hearings, at least not for me. I can only conclude that the Town has decided that the short term gains of having a new A&P next summer outweigh the long term gains of pressing the A&P to comply with the Master Plan and winding up with a well planned project that may take two years. So we are in the position now of being pressed by the Edgartown officials to approve this project. I think that one of the reasons the Commission exists is to give regional oversight to local board decisions. I think there have been numerous times in the past, and I think there will be numerous times in the future, when local boards will take one position and the Commission, in the interest of regional planning, will take an opposing one and I think that is what we ought to do in this case. I think that we ought to opt for a decision which places more importance on long term planning than it does for short term, immediate gain of having an A&P open next summer.

Mr. Early called for further discussion.

There was lengthy discussion among Commissioners centering around the alleged deviations from the Master Plan, the sloping topography of this site possibly dictating these deviations, and the Town of Edgartown's voters and Planning Board's position on this site plan.



Regarding affordable housing, Commissioners discussed whether exacting a contribution from the commercial development would be setting a precedent. After a review of some previous commercial DRIs and the manners in which they addressed affordable housing it was decided that no precedent would be set and that such an exaction could be directly related to the mitigation of potential impacts.

There was also information received from the Dukes County Housing Authority regarding their consultation with a house mover to determine the costs and feasibility of moving one of the existing residential structures on the lot, a 3 bedroom house, within the A&P's time frame. Mr. Durawa, banker and member of the Housing Authority, and Mr. Ferraguzzi, Chairman of the Housing Authority, were asked to give their opinions of a comparison of the DCRHA's latest proposal versus the A&P's latest offer.

Following lengthy discussion it was motioned and seconded to move to possible vote and discuss each individual condition as we propose them. This was agreed.

ITEM #6 - Possible Vote - A&P Expansion DRI, Town of Edgartown

It was motioned and seconded to approve the A&P proposal as presented with conditions to be voted on individually.

Mr. Early asked the Chairman of LUPC to give us a list of the Sections of the Statute that we will be addressing and we will formulate the conditions around those. We will take them one at a time, vote each one and then we will vote on the motion in total at the end.

Section 15b: To further assure environmental impacts, now and in the future, the LUPC recommends that biodegradable cleaners be used for internal store cleaning purposes. There was no discussion. This condition was approved by consensus.

Section 15c: The Edgartown Planning Board will grant final approval for the proposed developments landscaping, lighting, and screening plans. It was discussed that this is particularly important for the lighting in the rear of the loading area and the screening to the rear and between the proposal and Kelly's Kitchen. This condition was approved by consensus.

There was discussion if a specific condition should be written to address screening of abutter property, particular referring Ms. Brainerd's property. The following condition was approved by consensus: Screening of 24 foot proposed access way, if it needs to be removed, will be replaced on the abutter's property, with abutter's permission, at the cost of the applicant.

Section 15d: The applicant will make a \$75,000 cash donations to the DCRHA to be used as they decide to address the issue of affordable housing. There was extensive discussion about justifying this amount with respect to the following: the ratio of what is being destroyed and what must be replaced; costs to rebuild; dilapidated condition of

building; valuations of the existing structure; cost of prefab house; and requiring the applicant to construct a 2 bedroom house at whatever costs. It was decided that wording should be added addressing when and how the funds will be made available to DCRHA. This condition was approved by majority vote.

Section 15e: Based on the Town's sewer extension project for the Upper Main Street area, the MVC accepts the applicant's offer to install sewer lines to service the applicant's property after conferring and agreeing with the Sewer Commission regarding location of lines. There was no discussion. This was approved by consensus.

Several conditions were formulated under Section 15f as follows:

The MVC accepts applicant's offer to donate \$10,000 toward the Town's Upper Main Street Phase II Traffic Study. Discussion followed regarding the sufficiency of this amount and total mitigating measures. There was a consensus to approve this condition.

The applicant shall grant, to the Town of Edgartown, a 24 foot wide easement, along the rear eastern bound of the site, in perpetuity for use as the Town's potential future feeder road. There was no discussion. This condition was approved by consensus.

The applicant's parking, landscaping, screening and sidewalks be placed on the applicants property until such time as the lease agreement with DPW is resolved. There was discussion regarding the fact that the lease agreement will only cover the area of parking, not the landscaping, screening and sidewalks. Consequently the following two conditions resulted: Applicants parking shall be placed on the applicant's property until such time as the lease agreement with DPW is resolved. All Plantings will be completed prior to the issuance of an occupancy permit and if at such time as the State widens the road the applicant will replace and duplicate the plantings on his property. Both of these conditions were approved by consensus.

A&P employees required to parking off-site, therefore allowing more parking spaces for customer use. There was discussion as to whether this condition covers only peak season time and whether this condition is viable based on ability to police, inconvenience to employees particularly during late hours and winter seasons, and new location where they could park. There was a consensus agreement that a strong recommendation should be made that the management of the A&P encourages by whatever means they see fit to keep their employees in the public parking lot during peak hours of peak season, but not a requirement.

Any other mitigative measures that the Planning Board finds necessary to impose pursuant to the Phase I and Phase II Traffic Studies or the B-II Master Plan or By-laws, may be conditioned through the Planning Board's review. There was discussion that this is a condition the Planning Board has said they would impose and hoped the Commission would do the same. This was approved by consensus.

The A&P contribute \$51,000 per year for 20 years to MVTA to mitigate

impacts on traffic in this area. There was extensive discussion on this condition including debate over the exorbitance of this figure versus the fact that based on the applicant's traffic engineer's figures this would only remove a portion of the additional trips generated. Discussion also followed regarding what would happen if the MVTA folds or the Town decides to access all business on Upper Main St. There were also comments regarding the \$10,000 sum for the Phase II study and the sufficiency of this sum to mitigate impacts. This condition was not approved.

The A&P contribute \$15,00 per year for 20 year (Time of Lease) to MVTA. Discussion followed about how this figure was determined based on the impacts this figure is meant to mitigate. There was also discussion about the possibility of these impact changing and the fact that the applicant could come back to the MVC for a modification request if they change sufficiently enough to warrant a change in this condition. This condition was not approved.

The A&P installs handicap lifts in 2 exiting trolleys at cost of \$5,000 each. There was discussion among the Commissioners and Mr. Ewing, MVTA, regarding the fact that the \$5,000 was based on the cost of including a lift on a new trolley and that retrofitting an existing vehicle would probably be more. There was discussion about changing the wording to \$10,000 toward a retrofit or not mentioning a dollar figure at all, just requiring the applicant to pay for retrofits. There was also discussion about what impact this be directly mitigating and if it were to provide handicap access to a handicap accessible store, wouldn't the "Lift" be a more appropriate organization. This condition was not approved.

The A&P contributed \$10,000 per year for 20 years to MVTA. There was discussion regarding how this condition differed from the \$15,000. This condition also was not approved.

In accordance with recommendations of the Phase II Traffic Study, the applicant be required to make a monetary contribution to the MVTA. There was discussion regarding the fact that no traffic study was done on this DRI as required by MVC's new traffic impact regulations and that now a condition will be based on a study that hasn't been done yet. This condition was approved by majority vote.

It was motioned and seconded to approve the A&P Expansion DRI with conditions as follows: To further assure environmental impacts, now and in the future, biodegradable cleaners will be used for internal store cleaning purposes; The Edgartown Planning Board will grant final approval for the proposed developments landscaping, lighting, and screening plans; If the screening of the proposed 24 foot access way needs to be moved it will be replaced and duplicated on the abutter's property, with abutter's permission, at the cost of the applicant; The applicant will make a \$75,000 cash donation to the Dukes County Regional Housing Authority to be used as they decide to address the issue of affordable housing; Based on the Town's sewer extension project for the Upper Main Street area, the MVC accepts the applicant's offer to install sewer lines to service the applicant's property after conferring and agreeing with the Sewer Commission

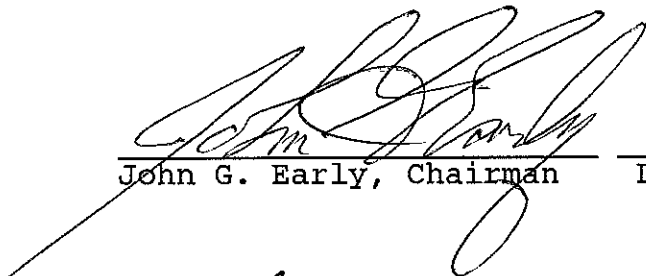
regarding location of lines; The MVC accepts the applicant's offer to donate \$10,000 toward the Town's Upper Main Street Phase II Traffic Study; The applicant shall grant, to the Town of Edgartown, a 24 foot wide easement, along the rear eastern bound of the site, in perpetuity for use as the Town's potential future feeder road; The applicant's parking shall be placed on the applicant's property until such time as lease agreement with the Department of Public Works is resolved; All plantings will be completed prior to the issuance of an occupancy permit and if at such time as the State widens the road the applicant will replace and duplicate these plantings on this property; Any other mitigative measures that the Planning Board finds necessary to impose pursuant to the Phase I and Phase II Traffic Studies or the B-II Master Plan or By-laws, may be conditioned through the Planning Board's review; In accordance with recommendations of the Phase II Traffic Study, the applicant shall be required to make a monetary contribution to the Martha's Vineyard Transit Authority. It was also decided the a strong recommendation be made that the management of the A&P encourages by whatever means they see fit to keep their employees in the public parking lots during peak hours of peak season. There was no further discussion on this motion. This motion passed with 8 in favor, 4 opposed, 4 abstentions, Colebrook, Greene, Lee, Wey. (Harney abstained.)

ITEM #7 - New Business - There was none.

ITEM #8 - Correspondence - There was none.

The meeting was adjourned at 11:58 p.m.

ATTEST

  
John G. Early, Chairman

10/12/89  
Date

  
James Young,  
Clerk/Treasurer

10/12/89  
Date

Attendance

Present: Bryant, Colebrook, Early, Eber, Filley, Fischer, Greene, Jason, Lee, Morgan, Schweikert, Sibley, Sullivan, Wey, Young, McCavitt, Harney.

Absent: Ewing, Allen, Geller, Davis.